

CLOSED

**U.S. District Court
Eastern District of California – Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:04-cv-02699-DFL-DAD**

Berman v. CIA
Assigned to: Judge David F. Levi
Referred to: Magistrate Judge Dale A. Drozd
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 12/23/2004
Date Terminated: 07/12/2005
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Larry Berman

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Defendant

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Date Filed	#	Docket Text
12/23/2004	<u>1</u>	COMPLAINT, fee status pd, receipt # 8077, assigned to Chief Judge David F. Levi referred to Magistrate Judge Dale A. Drozd (crf) (Entered: 12/23/2004)
12/23/2004	<u>2</u>	ORDER by Chief Judge David F. Levi informing the parties on the procedure to follow in pursuing this action (crf) (Entered: 12/23/2004)
12/23/2004		LODGED pro hac vice applicatin for attorney Meredith Fuchs by plaintiff Larry Berman (crf) (Entered: 12/23/2004)
01/05/2005	<u>3</u>	ORDER application for admission of attorney pro hac vice filed by pltf Larry Berman GRANTED, Attorney Meredith Fuchs for Larry Berman added. signed by Judge David F. Levi on 12/21/04. (Reader, L) (Entered: 01/05/2005)
01/21/2005	<u>4</u>	STIPULATION for Initial 30-day Extension of Time to Respond to Complaint by Larry Berman, CIA. (Himel, Yoshinori) (Entered: 01/21/2005)
02/02/2005	<u>5</u>	NOTICE by CIA of Association of Counsel (Wolverton, Caroline) (Entered: 02/02/2005)
02/07/2005	<u>6</u>	CERTIFICATE of SERVICE by Larry Berman of Summons, Complaint, etc. (Burke, Thomas) (Entered: 02/07/2005)
02/22/2005	<u>8</u>	ANSWER to COMPLAINT by CIA.(Wolverton, Caroline) (Entered: 02/22/2005)
03/08/2005	<u>9</u>	SCHEDULING REPORT by Larry Berman. (Burke, Thomas) (Entered: 03/08/2005)
03/16/2005	<u>10</u>	PROPOSED ORDER and Joint Case Management Conference Statement. (Burke, Thomas) (Entered: 03/16/2005)
03/18/2005	<u>11</u>	MINUTE ORDER: NOTICE RE: UPDATED JOINT STATUS REPORT. (Vine, H) (Entered: 03/18/2005)
03/30/2005	<u>12</u>	STIPULATION re <u>9</u> Scheduling Report to Adjust Briefing Schedule by CIA. (Wolverton, Caroline) (Entered: 03/30/2005)
04/04/2005	<u>13</u>	MOTION for SUMMARY JUDGMENT by CIA. Motion Hearing set for 6/1/2005 at 10:00 AM in Courtroom 7 (DFL) before Chief Judge David F. Levi. (Attachments: # <u>1</u> Points and Authorities in Support of Defendant CIA's Motion of Summary Judgment# <u>2</u> Statement Undisputed Facts# <u>3</u> Proposed Order of Summary Judgment# <u>4</u> Exhibit Copy of Lardner v. DOJ, No. 03-180, slip opinion (D.D.C. Mar. 31, 2005))(Wolverton, Caroline) (Entered: 04/04/2005)
04/05/2005	<u>14</u>	MOTION for EXTENSION to file Declaration by CIA in support of Summary Judgment Motion by CIA. Motion Hearing set for 6/1/2005 at 10:00 AM in Courtroom 7 (DFL) before Chief Judge David F. Levi. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Declaration of Terry N. Buroker)(Wolverton, Caroline) (Entered: 04/05/2005)
04/06/2005	<u>15</u>	ORDER granting <u>14</u> Motion for Extension signed by Judge David F. Levi on 04/05/05. (Warren, P) (Entered: 04/06/2005)
04/25/2005	<u>16</u>	NOTICE OF FILING / LODGING DOCUMENT IN PAPER Stipulation to Manually File Evidence in Support of Plaintiff Larry Berman's Cross-Motion for Summary Judgment and in Support of Opposition to CIA's Motion for Summary Judgment by Larry Berman:. (Burke, Thomas) (Entered: 04/25/2005)

04/25/2005	<u>17</u>	NOTICE OF FILING / LODGING DOCUMENT IN PAPER <i>"Corrected" Dated Stipulation to Manually File Evidence in Support of Plaintiff Larry Berman's Cross-Motion for Summary Judgment and in Support of Opposition to CIA's Motion for Summary Judgment</i> by Larry Berman:. (Burke, Thomas) (Entered: 04/25/2005)
04/27/2005	<u>18</u>	STIPULATION and ORDER signed by Judge David F. Levi on 4/26/05 allowed plt's evidence be served and filed in paper form via FedEx on 5/2/05. (Duong, D) (Entered: 04/27/2005)
05/02/2005	<u>19</u>	Cross MOTION for SUMMARY JUDGMENT by Larry Berman. Motion Hearing set for 6/1/2005 at 10:00 AM in Courtroom 7 (DFL) before Chief Judge David F. Levi. (Burke, Thomas) (Entered: 05/02/2005)
05/02/2005	<u>20</u>	MEMORANDUM OF POINTS AND AUTHORITIES in SUPPORT re <u>19</u> Cross MOTION for SUMMARY JUDGMENT <i>and In Opposition to Defendant Central Intelligence Agency's Motion for Summary Judgment</i> . (Burke, Thomas) Modified on 5/9/2005 (Reader, L). (Entered: 05/02/2005)
05/02/2005	<u>21</u>	STATEMENT of Undisputed Facts in Support of Cross-Motion for Summary Judgment by Plaintiff Larry Berman re <u>19</u> Cross MOTION for SUMMARY JUDGMENT. (Burke, Thomas) (Entered: 05/02/2005)
05/02/2005	<u>22</u>	OPPOSITION re <u>19</u> Cross MOTION for SUMMARY JUDGMENT <i>to Defendant Central Intelligence Agency's Statement of Undisputed Facts and Statement of Additional Facts in Opposition</i> . (Burke, Thomas) Modified on 5/9/2005 (Reader, L). (Entered: 05/02/2005)
05/02/2005	<u>23</u>	OBJECTIONS re <u>13</u> MOTION for SUMMARY JUDGMENT <i>to Defendant Central Intelligence Agency's Evidence in Support of Defendant's Motion for Summary Judgment</i> . (Burke, Thomas) Modified on 5/9/2005 (Reader, L). (Entered: 05/02/2005)
05/02/2005	<u>24</u>	NOTICE of ATTACHMENT by Larry Berman re <u>19</u> Cross MOTION for SUMMARY JUDGMENT <i>of Plaintiff Larry Berman's Manually Submitted Evidence in Support of Plaintiff Larry Berman's Cross-Motion for Summary Judgment and in Opposition to Defendant Central Intelligence Agency's Motion for Summary Judgment</i> (Burke, Thomas) Modified on 5/9/2005 (Reader, L). (Entered: 05/02/2005)
05/03/2005	<u>25</u>	EVIDENCE by plaintiff Larry Berman in SUPPORT OF <u>19</u> Cross MOTION for SUMMARY JUDGMENT and in OPPOSITION of <u>13</u> MOTION for SUMMARY JUDGMENT filed by defendant CIA – Volume 1 of 2 (Attachments: #(1) part 2 #(2) part 2a #(3) part 3 #(4) part 4 #(5) part 5 #(6) part 6)(Marciel, M) (Entered: 05/05/2005)
05/03/2005	<u>26</u>	EVIDENCE by plaintiff Larry Berman in SUPPORT OF <u>19</u> Cross MOTION for SUMMARY JUDGMENT and in OPPOSITION TO <u>13</u> MOTION for SUMMARY JUDGMENT filed by defendant CIA – Volume 2 of 2 (Attachments: #(1) part 1 #(2) part 2 #(3) part 3 #(4) part 4 #(5) part 5)(Marciel, M) (Entered: 05/05/2005)
05/03/2005	<u>27</u>	PROOF of SERVICE by Larry Berman re <u>26</u> Evidence – Volume 2 of 2, <u>25</u> Evidence – Volume 1 of 2 (Marciel, M) (Entered: 05/05/2005)
05/11/2005	<u>28</u>	REPLY to RESPONSE to MOTION re <u>19</u> Cross MOTION for SUMMARY JUDGMENT, <u>13</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Terry N. Buroker# <u>2</u> Slip Opinion in In Re Cheney (D.C. Cir. May 10, 2005)# <u>3</u> Response to Plaintiff's Statement of Undisputed Material Facts# <u>4</u> Reply in Support of Def.'s Statement of Undisputed Facts)(Wolverton, Caroline) (Entered: 05/11/2005)
05/12/2005	<u>29</u>	NOTICE by CIA re <u>28</u> Reply to Response to Motion, <i>of Filing Corrected Version of Supplemental Declaration of Terry N. Buroker</i> (Attachments: # <u>1</u> Declaration Corrected Version of Supplemental Declaration of Terry N. Buroker)(Wolverton, Caroline) (Entered: 05/12/2005)

05/18/2005	<u>30</u>	OBJECTIONS by Plaintiff Larry Berman to <u>28</u> Reply to Response to Motion,, <u>29</u> Notice (Other), Notice (Other) <i>Plaintiff Larry Berman's Objections to Defendant Central Intelligence Agency's Supplemental Declaration of Terry N. Buroker.</i> (Burke, Thomas) (Entered: 05/18/2005)
05/18/2005	<u>31</u>	REPLY/RESPONSE by Larry Berman re <u>20</u> Memorandum/Response in Support of Motion, <u>28</u> Reply to Response to Motion, <i>Plaintiff Larry Berman's Reply In Support of Cross-Motion for Summary Judgment.</i> (Burke, Thomas) (Entered: 05/18/2005)
06/01/2005		MINUTES for proceedings held before Judge David F. Levi : MOTION HEARING [13 &19] held on 6/1/2005. Arguments were heard and the matter was ordered submitted. Plaintiffs Counsel T. Burke; M. Fuchs present. Defendants Counsel J. Ferry; C. Wolverton present. Court Reporter: C. Bodene. (Vine, H) (Entered: 06/01/2005)
06/22/2005	32	TRANSCRIPT (MAINTAINED IN PAPER) of Proceedings dft's motion for summary judgment held on 6/1/2005 before Judge Chief Judge David F. Levi. Court Reporter: Catherine E.F. Bodene. (Reader, L) (Entered: 06/22/2005)
07/12/2005	<u>33</u>	MEMORANDUM OF OPINION and ORDER signed by Judge David F. Levi on 7/11/05 GRANTING <u>13</u> the CIA's motion for summary judgment and DENYING <u>19</u> Berman's summary judgment motion. Clerk shall enter judgment. (Girgis, C) (Entered: 07/12/2005)
07/12/2005	<u>34</u>	JUDGMENT dated *7/12/05* is hereby entered in accordance with court order by Judge David F. Levi. (Girgis, C) (Entered: 07/12/2005)
09/09/2005	<u>35</u>	NOTICE of APPEAL by Larry Berman (Carolan, Duffy) (Entered: 09/09/2005)
09/09/2005		RECEIPT number 2036766 for \$255.00 for appeal filing fee from Thomas R Burke (Marcotte, D) (Entered: 09/09/2005)
09/14/2005	<u>37</u>	APPEAL PROCESSED to Ninth Circuit re <u>35</u> Notice of Appeal filed by Larry Berman. Filed dates for Notice of Appeal *9/9/2005*, Complaint *12/23/2004* and Appealed Order / Judgment *7/12/2005*. Court Reporter: *C. Bodene*. *Fee Status: Paid on 9/9/2005 in the amount of \$255.00* ** Hearing Dates of *6/1/2005* (Attachments: # <u>1</u> Appeal Notice # <u>2</u> Certificate) (Reader, L) (Entered: 09/14/2005)
09/16/2005	<u>38</u>	DESIGNATION of RECORD on APPEAL by Larry Berman (Burke, Thomas) (Entered: 09/16/2005)
09/26/2005		USCA CASE NUMBER 05-16820 (Caspar, M) (Entered: 09/27/2005)
05/29/2007	<u>39</u>	TRANSMITTED RECORD on APPEAL to USCA (Pasadena, CA)# *05-16820* re <u>35</u> Notice of Appeal - ATY. * Volumes of Files: 1. Paper Documents: 1 to 2. Volumes of Expandable Folders: 1.* *Electronic Documents: 3 to 38.* (Kaminski, H) (Entered: 05/29/2007)
10/30/2007	<u>40</u>	USCA JUDGMENT AND OPINION as to <u>35</u> Notice of Appeal: decision of district court AFFIRMED (MAINTAIN ON PAPER). (Benson, A) (Entered: 10/30/2007)
11/01/2007	41	APPEAL RECORD REQUESTED pursuant to <u>40</u> USCA Judgment. (Mena-Sanchez, L) (Entered: 11/01/2007)
03/19/2008	42	CLERK'S RECORD ON APPEAL REQUESTED pursuant to USCA Judgment <u>40</u> . [TEXT ONLY]. (Mena-Sanchez, L) (Entered: 03/19/2008)
05/21/2008	43	CLERK'S RECORD ON APPEAL REQUESTED (3rd REQUEST) pursuant to USCA Judgment <u>40</u> . [TEXT ONLY]. (Mena-Sanchez, L) (Entered: 05/21/2008)
12/10/2008	44	APPEAL RECORD RETURNED: one Clerk's record and one expando re <u>35</u> Notice of Appeal - ATY. (Duong, D) (Entered: 12/10/2008)